

TTAB

TRADEMARK  
NPP 10.2A-124

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Nathan/Ruskin, Inc.

Opposer,

v.

Nice-Pak Products, Inc.,

Applicant.

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X

Opposition No. 124,788

BOX TTAB - NO FEE  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3514

04-26-2004  
U.S. Patent & TMO/TM Mail Rcpt Dt. #78

ANSWER

Madam:

In response to the Notice of Opposition dated September 20, 2001, and a notice from the Board dated May 7, 2003, applicant by and through its attorneys responds as follows:

1. Applicant admits the allegations of Paragraph 1.
2. Applicant admits the allegations of Paragraph 2.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Trademarks, Box TTAB, 2900 Crystal Drive, Arlington, VA 22202- 3514 on April 23, 2004.



(Signature)

ARNOLD H. KRUMHOLZ

(Typed or Printed Name of Person Signing Certificate)

3. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 3, and therefore denies the same;

4. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 4, and therefore denies the same.

5. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 5, and therefore denies the same.

6. Applicant admits that copies of portions of the PTO database for U.S. Trademark Registration Nos. 1,359,255 and 2,221,346 were attached to the opposition, and that these registrations list the goods stated in Paragraph 4, but applicant is without knowledge or information sufficient to form a belief as to the remaining allegations of Paragraph 6, and therefore denies the same.

7. Applicant denies the allegations of Paragraph 7.

8. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 8, and therefore denies the same.

9. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 9, and therefore denies the same.

10. Applicant denies the allegations of Paragraph 10.

11. Applicant denies the allegations of Paragraph 11.

12. Applicant denies the allegations of Paragraph 12.

13. Applicant denies the allegations of Paragraph 13.

14. Applicant denies the allegations of Paragraph 14.

15. Applicant denies the allegations of Paragraph 15.

16. Applicant denies the allegations of Paragraph 16.

17. Applicant denies the allegations of Paragraph 17.
18. Applicant denies the allegations of Paragraph 19.
19. Applicant denies the allegations of Paragraph 19.
20. Applicant denies the allegations of Paragraph 20.

WHEREFORE, applicant prays that this opposition be dismissed, and that a registration be issued on the mark of applicant's application.

Respectfully submitted,

LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP

600 South Avenue West  
Westfield, New Jersey 07090

Tel: 908-654-5000

Fax: 908-654-7866

*Attorneys for Applicant, Nice-Pak Products, Inc*

Date: April 23, 2004

By: \_\_\_\_\_



ARNOLD H. KRUMHOLZ

**CERTIFICATION OF SERVICE**

I, Arnold H. Krumholz, hereby declare that on this 23rd day of April, 2004, a true copy of the foregoing ANSWER was mailed via First-class mail, postage prepaid, to:

Roberta Jacobs-Meadway, Esq.  
Ballard Spear Andrews & Ingersoll, LLP  
1735 Market Street - 51st Floor  
Philadelphia, PA 19103-7599

Date: April 23, 2004

A handwritten signature in black ink, appearing to read 'A. Krumholz', is written over a horizontal line.

ARNOLD H. KRUMHOLZ